

### REMARKS

The claims now pending in the present application are Claims 1 to 17, 20 to 27 and 30 to 32, the independent claims being Claims 1, 3, 8, 9, 10 and 30. Claims 18, 19, 28 and 29 have been cancelled herein. Claims 1 to 3, 8 and 9 have been amended herein.

In the Official Action, Claims 18, 19, 28 and 29 were rejected under 35 USC 112, second paragraph, as indefinite. Claim 1 was rejected under 35 USC 102(a), as anticipated by any one of US Patent No. 5,726,515 (Tsukimoto), US Patent No. 4,764,702 (Mishiro), US Patent No. 5,115,161 (Myohga), US Patent No. 6,198,202 (Tamai) and US Patent No. 5,051,647 (Uchikawa); Claims 2, 3, 6, 7, 8, 18, 28 and 29 were rejected under 35 USC 102(a), as anticipated by any one of the Mishiro '702 patent, the Uchikawa '647 patent, the Tsukimoto '515 patent and the Myohga '161 patent; and Claims 4 and 5 were rejected under 35 USC 103(a), as unpatentable over either the Uchikawa '647 patent or the Tsukimoto '515 patent, in view of either US Patent No. 5,448,128 (Endo) or US Patent No. 5,162,692 (Fujimura). Reconsideration and withdrawal of the rejections respectfully are requested in view of the above amendments and the following remarks.

Initially, Applicants gratefully acknowledge the Examiner's indication that the application contains allowable subject matter, that Claims 10, 11, 13, 15, 17, 21, 22, 25 and 27 are allowed, and that Claim 9 (and its dependent claims 12, 14, 16, 20, 22, 24 and 26) are allowable over the prior art.

In this regard, Claim 9 has been re-written in independent form. Accordingly, Claims 9, 12, 14, 16, 20, 22, 24 and 26 are believed in allowable form and in condition for allowance.

In formal matters, the specification has been amended as to matters of form, including English spelling, grammar, idiom, syntax and the like. No new matter has been added.

The formal rejection of Claims 18, 19, 28 and 29 respectfully is traversed. Nevertheless, without conceding the propriety of the rejection, and solely to advance prosecution of the present application to allowance, Claims 18, 19, 28 and 29 are cancelled herein. Applicants retain all rights to the subject matter recited in these claims, including the right to file one or more divisional applications directed to the subject matter therein.

The rejections of Claims 1 to 8 over the cited art respectfully are traversed. Nevertheless, without conceding the propriety of the rejections, Claims 1 to 3, 8 and 9 have been amended herein more clearly to recite various novel features of the present invention, with particular attention to the Examiner's comments. Support for the amendments may be found in the original application. No new matter has been added.

Applicants submit that the prior art fails to anticipate the present invention. Moreover, Applicants submit that there are differences between the subject matter sought to be patented and the prior art, such that the subject matter taken as a whole would not have been obvious to one of ordinary skill in the art at the time the invention was made.

Specifically, the cited patents are directed to a vibration driven apparatus including a vibration member having an energy conversion member that generates therein vibrations having a plurality of different vibration modes. However, Applicants submit that the plurality of vibration modes have different directions of vibration, e.g., in a radial "r" direction and an axial "z" direction. For example, the Tsukimoto '515 patent illustrates in Fig. 18B a displacement distribution of a vibration mode in which displacements occur in the "r" direction, and Fig. 18C illustrates a displacement distribution of a vibration mode in which displacements

occur in the “z” direction. Applicants submit that none of the cited references discloses or suggests the feature of generating therein vibrations having a plurality of vibration modes having the same direction of vibration, as disclosed and claimed in the present application.

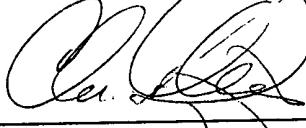
Moreover, in these cited references, the displacement amount of the vibration element may be changed by changing the amplitude of the driving signal applied to the electro-mechanical energy conversion element. However, in this case, the respective ratio between displacements of the respective ends of the vibration element remain constant.

For the above reasons, Applicants submit that Claims 1, 3 and 8 are allowable over the cited art.

Claims 2 and 4 to 7 depend from Claims 1 and 3, respectively, and are believed allowable for the same reasons, and for citing additional features in combination with the features of their respective base claims. Individual consideration of the dependent claims respectfully is requested.

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action, and submit that the application is in condition for allowance. Favorable consideration of the claims and passage to issue at the Examiner’s earliest convenience earnestly are solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,  
  
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